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10/814,403	03/31/2004	Ming C. Hao	200316184-1	5385

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EXAMINER

CHU, DAVID H

ART UNIT PAPER NUMBER

2628

DATE MAILED: 07/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/814,403

Applicant(s)

HAO ET AL.

Examiner

David H. Chu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 5 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Response to Amendment***

1. Acknowledgment is made of the amendment filed by the applicant on 05/05/2006, in which:
2. Independent claim 23 was amended;
3. Claims 1-23 are currently pending in U.S. Application Serial No. 10/814,403 and an Office Action on the merits follows.

***Claim Rejections - 35 USC § 101***

4. The amendments to claim 23 is acknowledged and approved by the examiner.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1, 3-9, 11-17 and 19-23 rejected under 35 U.S.C. 102(b) as being anticipated by Meier et al. (U.S. Patent No. 6211887).**

3. Note with respect to claim 1,

4. Meier et al. teaches:

5. A method for providing a graphical representation of data, the method comprising:

(A) Determining a plurality of parameters from a parameter set that relates to a dynamic (col. 4, line 8-12);

(B) Dividing the plurality of parameters into **data groups** [computer language skills of different individuals] (col. 6, line 15-21);

(C) Defining a plurality of **partitions** [axes130] for a graphical representation (col. 3, line 56-63);

(D) Mapping the data groups to corresponding nodes on the plurality of **partitions** [marker 150] (col. 6, line 5-7); and

(E) Connecting the nodes graphically with **indicia** [lines 160] that indicate an association between data groups (col. 6, line 22-23).

6. Note with respect to claim 3,
7. Meier et al. teaches:
8. The method of claim 1, comprising:  
Ordering the nodes according to an associated data value (FIG 6).
9. Note further, the respective nodes/markers are ordered on the axes according to the data values.
10. Note with respect to claim 4,
11. Meier et al. teaches:
12. The method of claim 1, comprising:  
Spacing the nodes according to associated data values (FIG 6).
13. Note further, the nodes/markers are spaced according to associated data values, as, for example, the node of a person with a score of 5 for HTML skills is spaced five hash marks/spaces from the origin (FIG 6).
14. Note with respect to claim 5,
15. Meier et al. teaches:

16. The method of claim 4, comprising:

Providing more space for nodes with higher data value (FIG 6).

17. Note further, the nodes/markers are further away from the origin depending on the data value, as for example, the first person with a score of 5 for HTML skills is spaced further away from the origin than the second person with a score of 2 (FIG 6).

18. Note with respect to claim 6,

19. Meier et al. teaches:

20. The method of claim 4, comprising:

Connecting nodes and lines in a piece-wise fashion (col. 6, line 22-24) (FIG 2).

21. Note with respect to claim 7, claim 7 is similar in scope to the claim 3, thus the rejections to claim 3 hereinabove are also applicable to claim 7.

22. Note further, the assigned weight is the data value for a given node (marker 150, data point).

23. Note with respect to claim 8, claim 8 is similar in scope to the claim 4, thus the rejections to claim 4 hereinabove are also applicable to claim 8.

24. Note further, the assigned weight is the data value for a given node (marker 150, data point).

25. Note with respect to claim 9, claim 9 is similar in scope to the claim 5, thus the rejections to claim 5 hereinabove are also applicable to claim 9.

26. Note further, the assigned weight is the data value for a given node (marker 150, data point).

27. Note with respect to claim 11,

28. Meier et al. teaches:

29. The method of claim 1, comprising auto-linking the indicia (col. 6, line 22-24) (FIG 2, 6).

30. Note further, FIG 2 clearly teaches linking the indicia/lines 160, by intermediate nodes/marker 150.

31. Note with respect to claim 12,

32. Meier et al. teaches:

33. The method of claim 1, comprising:

Auto-linking the nodes (col. 6, line 22-24) (FIG 2, 6).

34. Note further, FIG 2 clearly teaches linking the nodes/markers 150 by the lines 160, wherein the lines are the indicia.

35. Note with respect to claim 13,

36. Meier et al. teaches:

37. The method of claim 1, comprising:

Fading the indicia (col. 7, line 64-67) (FIG 2, 6).

38. Note further, canceling displaying a data set among a plurality of data sets is the equivalent to completely fading out the undesired data set.

39. Note with respect to claim 14, claim 14 is similar in scope to the claim 1, thus the rejections to claim 1 hereinabove are also applicable to claim 14.

40. Note with respect to claim 15, claim 15 is similar in scope to the claim 3, thus the rejections to claim 3 hereinabove are also applicable to claim 15.



41. Note with respect to claim 16, claim 16 is similar in scope to the claims 7 and 8, thus the rejections to claims 7 and 8 hereinabove are also applicable to claim 16.

42. Note with respect to claim 17, claim 17 is similar in scope to the claim 4, thus the rejections to claim 4 hereinabove are also applicable to claim 17.

43. Note with respect to claim 19, claim 19 is similar in scope to the claim 11, thus the rejections to claim 11 hereinabove are also applicable to claim 19.

44. Note with respect to claim 20, claim 20 is similar in scope to the claim 1, thus the rejections to claim 1 hereinabove are also applicable to claim 20.

45. Note with respect to claim 21, claim 21 is similar in scope to the claims 7 and 8, thus the rejections to claims 7 and 8 hereinabove are also applicable to claim 21.

46. Note with respect to claim 22, claim 22 is similar in scope to the claim 4, thus the rejections to claim 4 hereinabove are also applicable to claim 22.

47. Note with respect to claim 23, claim 23 is similar in scope to the claim 1, thus the rejections to claim 1 hereinabove are also applicable to claim 23.

***Claim Rejections - 35 USC § 103***

48. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

49. **Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Meier et al. as applied to claim 1, 3-9, 11-17 and 19-23 above, and further in view of Johnson (U.S. Patent No. 3487308).**

50. Note with respect to claim 2,

51. Meier et al. does not expressly teach:

52. The method of claim 1, comprising:

Ordering the nodes alphanumerically.

53. Johnson teaches:

54. The method of claim 1, comprising:

Ordering the **nodes** [best shown in the x-axis] alphanumerically (FIG 1a - f).

55. Therefore, at the time of the invention, it would have been obvious to one of an ordinary skill in the art to apply the node ordering teachings of Johnson to the graph

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teachings of Meier et al., because this will allow the easy and quick recognition of the data the user desires to observe.

**56. Claims 10 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meier as applied to claims 1, 3-9, 11-17 and 19-23 above, and further in view of Yonts (U.S. Patent No. 6590577).**

57. Note with respect to claim 10,

58. Meier does not expressly teach:

59. The method of claim 1, wherein the graphical representation comprises real time animation.

60. However, Yonts teaches:

61. The method of claim 1, wherein the graphical representation comprises real time animation (col. 2, line 64 – col. 3, line 1-52).

62. Note with respect to claim 18, claim 18 is similar in scope to the claim 10, thus the rejections to claim 10 hereinabove are also applicable to claim 18.

***Response to Arguments***

63. Applicant's arguments, see (pg 12, line 21 – pg 13, line 4), filed 5/5/2006, with respect to the rejection(s) of claim(s) 1, 14, 20 and 23 under 35 USC 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn.

64. However, upon further consideration, a new ground(s) of rejection is made in view of Meier et al., Johnson and Yonts.

65. However, note with respect to claims 1, 14, 20 and 23,

66. Meier et al. teaches:

67. The act of adding or deleting a particular axis for display is the equivalent to determining/selecting a plurality of parameters, as recited by applicant (col. 4, line 8-12).

68. The different computer skills shown in FIG 6 are the equivalent to dividing/assigning the plurality of parameters into data groups, as recited by applicant (col. 6, line 15-21).

69. The axes 130 representing each computer skill are the equivalent to the plurality of partitions, as recited by applicant (col. 3, line 56-63).

70. The markers 150 on each axis is the equivalent to mapping the data groups to corresponding nodes on the plurality of **partitions** [marker 150] , as recited by applicant (col. 6, line 5-7)

71. The set of lines 160 that connect each marker 150 are the equivalent to indicia graphically connecting the nodes, as recited by applicant.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David H. Chu whose telephone number is (571) 272-8079. The examiner can normally be reached on M-TH 9:00am-7:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark k. Zimmerman can be reached on (571) 272-7653. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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